Serial No. 09/560,539

IN THE CLAIMS

Please cancel the non-elected claims 1, 9-11, and 23-31.

Claims 6 and 13 have been amended as indicated on a separate sheet attached hereto. A clean version of the amendment is no longer required.

REMARKS

Claims 1, 9-11, and 23-31 are hereby cancelled without prejudice or disclaimer. Claims 6 and 13 are amended and submitted in accordance with the Revised Notice for submitting amended claims in revised format.

Applicants would like to thank the Examiner for the allowance of claims 2-5.

The Examiner objected to claims 6 and 13 for failure to end the sentence of each claim with a "period". Claims 6 and 13 have been amended to include a period at the end of each sentence. Applicants respectfully request withdrawal of this objection.

Claim 17 stands rejected for failure to provide an enabling disclosure because a deposit of vector pMEG-771 was not made at the time of filing the application.

Pursuant to 37 C.F.R. 1.809(b), Applicants made a deposit of a microorganism harboring the pMEG-771 plasmid to the American Type Culture Collection ("ATCC") on June 5, 2003, which was received by ATCC on June 10, 2003. The microorganism is identified as MGN-3394. ATCC has not assigned an accession number to the deposit yet. Applicants submit herewith a statement under 37 C.F.R. 1.804 that the deposited biological material contains the biological material specifically identified in the originally-filed patent application. After receipt of an accession number for the deposit from ATCC, Applicants will submit a supplemental response with an amendment of the specification to comply with 37 C.F.R. 1.809(d).

Claim 6 stands rejected for being allegedly indefinite. Specifically, claim 6 stands rejected for recitation of "derivative". The Examiner suggested that the claim be amended to recite "attenuated bacterium". Claim 6 has been amended to adopt the Examiner's suggestion. Applicants submit that claim 6 is clear and definite. Applicants respectfully request withdrawal of this rejection.

2.